



Frederick Theodore
Frelinghuysen - US
Secretary of State
1881-1885



Lew Wallace U.S.
Minister to the
Ottoman Empire in
Constantinople -
1881 to 1885

Aarifi Pasha to Mr. Wallace.

Ministry of Foreign Affairs,

Sublime Porte,

January 22, 1884

According to reports received from the authorities of Jerusalem, a certain number of Russian subjects, who left their country about five years ago to live in Palestine, have been declared by the Russian consular authorities to have forfeited their nationality and have succeeded at a subsequent date to have themselves admitted as American citizens..

A naturalization obtained in such conditions could evidently not be recognized by the Imperial Government as legitimate and valid. The ordinary principles of right oppose themselves to its admission in European countries, and also, a fortiori, in the Ottoman Empire, where the capitulations assure to foreigners exceptional immunities, and where, consequently, the control to be exercised by the authorities on a change of nationality presents an indisputable question of order.

In principle and in strict right, any foreigner established in the Empire who should lose his rights to his original nationality must be considered as an Ottoman subject, and if he desires to embrace this or that other citizenship he is bound to go to the country whose naturalization he desires to acquire to live there the number of years fixed by the local laws and conform in all points required to obtain a change of nationality.

In calling the attention of the United States legation to the preceding considerations, the Sublime Porte likes to hope it will be good enough to acknowledge the justness, and transmit conformable instructions to its consul at Jerusalem.

Mr. Wallace to Aarifi Pasha.

Legation of the United States,

Constantinople, January 24, 1884.

Highness: I have the honor to acknowledge receipt of your note verbale, No. 73375, 1, dated January 22, 1884, relative to certain persons in Palestine who were originally Russian subjects but have succeeded in having themselves admitted as American citizens.

It is greatly to be regretted that the communication is not as particular in its terms as the importance of the principles involved would seem to justify. There are three classes of persons, however, to which the application may be meant: First, a class claiming American citizenship who have not even taken out the first paper required of them by the law; second, a class asserting the claim who have gone so far as to take out the first paper, renouncing their original allegiance, but there stopped; and third, a class who have in every point perfected their naturalization as citizens of the United States.

The instructions given to the American consul at Jerusalem for his government in the matter may be substantially stated for the satisfaction of your highness.

A copy of the note with which your highness has honored me has been transmitted to that official for his information; his attention is then particularly called to the description of the persons referred to therein, and he is directed to make diligent inquiry to ascertain if there are such persons in his consular jurisdiction. If he finds there are any fairly within the first of the classes above given, he is simply to inform them that they have no right to his protection; if he finds any who are properly of the second class he is to examine their papers, take copies of them, and report upon their authenticity; of this second class he is also to inquire when they left America, how long they have been aboard, how long in Palestine, why they came abroad, why they took up residence in Palestine, what business they are there engaged in, if any, whether they intended returning to America when they left its shores, and keep a record of their answers, together with all the evidence for and against such intention which he can procure, including why they have not returned, and when they now purpose doing so. When these inquiries are concluded, he is directed to transmit a full report of everything pertinent to the subject to this legation through the consulate-general in Constantinople, the object being to refer each of such cases to Washington for consideration there. I shall be happy to apprise your highness of the decisions arrived at, and the instructions I may receive concerning them, but until then I cannot admit the principles and rules stated in your note as applicable to persons of this second class.

As to persons whom he may find of the third class, he is told that if they are orderly and going about their lawful business, whatever it may be, and mindful of the laws of the Empire, they have a right to live there unmolested; that this right is derived from the ancient capitulations, of late days reaffirmed by the treaties existing between the two Governments; that for convenience, rather than a yielding up of principle, the United States have, in instances, temporarily submitted to claims insisted upon by friendly Governments against naturalized citizens of the United States formerly subjects of those friendly Governments, but who voluntarily returned and placed themselves under their jurisdiction; that as yet all such cases have been settled by amicable diplomatic arrangement; that the United States have never admitted the right of a foreign government to decide upon and nullify in any manner the franchises conferred under its naturalization laws, much less have they sanctioned the extraordinary principle which appears for the first time enunciated in your highness' note, that if a person naturalized in the United States, but resident in Turkey, has lost his original nationality, he becomes an Ottoman subject, regardless of his American naturalization; that whatever ground in right this principle may have with respect to naturalized American citizens formerly Turkish subjects, it cannot be permitted application to a naturalized American citizen originally the subject of a power not Turkish. In accordance with these views the consul is instructed that if he finds in his jurisdiction many or few naturalized Americans of the third class they have a right to call upon him for protection, and it is his duty to protect them; and to that end he must exhaust the means usually of resort on such occasions; failing in them, he must close his consulate and come away, if possible bringing the threatened people with him; and that I have no doubt the Government of the United States will have a vessel ready to receive him and them. These are, in substance, the instructions given, and I leave them to derive additional force and meaning from your highness' great intelligence and long experience in international affairs.

I avail, &c.,

January 24, 1884.

Mr. Wallace to Mr. Frelinghuysen.

Legation of the United States,

Constantinople

Sir: I have the honor to report a correspondence with his highness, the minister of foreign affairs, relative to certain persons claiming American citizenship by naturalization, but at present domiciled in Palestine, and to transmit for your consideration the notes upon the subject interchanged up to the present: a copy of the minister's communication, a translation of that, and my reply thereto.

I have reason to believe that the movement on the part of the Sublime Porte has application to the little colony of naturalized American Jews, which, when visiting Jerusalem, I found resident there, in number thirty-five or forty. They are mostly old men, and quite poor, who have betaken themselves to Palestine as the most sacred of places, thinking that if they behaved themselves and lived orderly lives they might be permitted to die and be quietly buried there. It is, in my opinion, more than probable that some of them were originally Russian subjects. Permit me to hope that my reply will meet your approval.

Very respectfully, &c.,
LEWIS WALLACE.